



# House of Representatives

## File No. 772

General Assembly

February Session, 2016

**(Reprint of File No. 64)**

Substitute House Bill No. 5326  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
April 30, 2016

**AN ACT REQUIRING CERTAIN RETAIL BUSINESS  
ESTABLISHMENTS TO DISPLAY SIGNS REGARDING THE USE OF  
FACIAL RECOGNITION TECHNOLOGY.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1      Section 1. (NEW) (*Effective July 1, 2016*) (a) Each retail business  
2      establishment having a fixed permanent location where goods are  
3      offered for sale on a continuing basis that captures and stores  
4      biometric identifiers of individuals entering or within the retail  
5      business establishment shall display a sign in a conspicuous location  
6      visible to individuals entering the retail business establishment. The  
7      sign shall measure a minimum of eight inches in height and ten inches  
8      in length and the lettering shall be in a size and style that allows such  
9      sign to be read without difficulty by individuals entering the premises.  
10     The sign shall bear the following statement: "This establishment uses  
11     facial recognition technology to capture and store images of the faces  
12     of persons on the premises". For the purposes of this subsection,  
13     "biometric identifier" means a record of facial geometry, including, but  
14     not limited to, an image of an individual's face captured and stored

15 utilizing facial recognition software.

16 (b) Any retail business establishment that does not display a sign, in  
17 violation of subsection (a) of this section, shall be fined one hundred  
18 dollars.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2016</i>	New section

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

***OFA Fiscal Note******State Impact:*** None***Municipal Impact:*** None***Explanation***

There is no fiscal impact associated with the Department of Consumer Protection (DCP) ensuring that certain businesses display a sign that states, "This establishment uses facial recognition technology to capture and store images of the faces of persons on the premises." The DCP inspects establishments due to existing statutes and regulations and could verify the existence of the required signs when on other business. It should be noted that the DCP may not have the ability to know whether establishments use facial recognition technology and therefore no fines are anticipated to be collected.

House "A" (LCO 4458) is technical and results in no fiscal impact.

***The Out Years******State Impact:*** None***Municipal Impact:*** None

**OLR Bill Analysis****sHB 5326 (as amended by House "A")\******AN ACT REQUIRING CERTAIN RETAIL BUSINESS ESTABLISHMENTS TO DISPLAY SIGNS REGARDING THE USE OF FACIAL RECOGNITION TECHNOLOGY.*****SUMMARY:**

This bill requires certain retail business establishments that capture and store "biometric identifiers" of individuals entering or within the establishments to post a sign disclosing that fact. It applies to businesses with fixed, permanent locations that offer goods for sale on a continuing basis. A biometric identifier is a record of facial geometry, such as an image of an individual's face that is captured and stored using facial recognition software.

Under the bill, the sign must be (1) in a conspicuous location visible to individuals entering the establishment and (2) at least eight inches high and 10 inches long with lettering of a size and style that can be read without difficulty. The sign must state:

"This establishment uses facial recognition technology to capture and store images of the faces of persons on the premises."

Businesses that fail to display the sign as required are subject to a \$100 fine.

\*House Amendment "A" limits the bill's applicability to businesses that continually offer goods for sale and have fixed, permanent locations.

EFFECTIVE DATE: July 1, 2016

**COMMITTEE ACTION**

General Law Committee

Joint Favorable Substitute

Yea 15      Nay 3      (03/04/2016)